



4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2019-0004-N-6]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Requests (ICRs) abstracted below. Before submitting these ICRs to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Interested persons are invited to submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Submit written comments on the ICRs activities by mail to either: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590; or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB Control Number 2130-XXXX," (the relevant

OMB control number for each ICR is listed below) and should also include the title of the ICR. Alternatively, comments may be faxed to 202-493-6216 or 202-493-6497, or emailed to Mr. Brogan at robert.brogan@dot.gov, or Ms. Toone at kim.toone@dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590 (telephone: 202-493-6292) or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590 (telephone: 202-493-6132).

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days’ notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICRs regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection

activities on the public, including the use of automated collection techniques or other forms of information technology. See 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment may reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, FRA reasons that comments received will advance three objectives: (1) reduce reporting burdens; (2) organize information collection requirements in a “user-friendly” format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

The summaries below describe the ICRs that FRA will submit for OMB clearance as the PRA requires:

Title: U.S. DOT Crossing Inventory.

OMB Control Number: 2130-0017.

Abstract: On January 6, 2015, FRA published in the Federal Register a final rule that requires railroads that operate one or more trains through highway-rail or pathway crossings to submit information to the U.S. DOT National Highway-Rail Crossing Inventory about the crossings through which they operate.¹ See 80 FR 746. These amendments, mandated by section 204 of the Rail Safety Improvement Act of 2008, require railroads to submit information about previously unreported and new highway-rail and pathway crossings to the U.S. DOT National Highway-Rail Crossing Inventory and to periodically update existing crossing data.

¹ This final rule was subsequently amended on June 10, 2016, in response to a petition for reconsideration submitted by the Association of American Railroads. See 81 FR 37521.

Type of Request: Extension with change (revised estimates) of a current information collection.

Affected Public: Businesses (railroads), States, and the District of Columbia (DC).

Form(s): FRA F 6180.71.

Respondent Universe: 692 railroads, 50 States and DC.

Frequency of Submission: On occasion/monthly.

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Burden Hour Dollar Cost Equivalent ²
234.403(a), (b), (c), (e)(3)– Submission of data to the U.S. DOT Highway-Rail Crossing Inventory: Completion of inventory form – Mass update lists of designated data submitted by railroads/states – Excel lists of submitted data - Changes/corrections to Crossing Inventory data submitted via GX 32 computer program - Written requests by states/railroads for FRA Crossing Inventory Guide (d) – Reporting Crossing Inventory data by state agencies on behalf of railroads: Written notices to FRA (e)(1) – Consolidated reporting by parent corporation on behalf of its subsidiary railroads: Written notice to FRA (e)(2) – Immediate notification to FRA by parent corporation of any changes in the list of subsidiary railroads for which it reports	51 States/DC & 692 railroads	1,495 forms	30 minutes	748 hours	\$55,352
	51 States/DC & 692 railroads	1,081 lists	30 minutes	541 hours	\$40,034
	51 States/DC & 692 railroads	750 lists	15 minutes	188 hours	\$13,912
	51 States/DC & 692 railroads	134,719 records	3 minutes	6,736 hours	\$498,464
	51 States/DC & 692 railroads	5 requests	15 minutes	1 hour	\$74
	51 States/DC & 692 railroads	15 notices	30 minutes	8 hours	\$592
	692 railroads	250 notices	30 minutes	125 hours	\$9,625
	692 railroads	75 notices	30 minutes	38 hours	\$2,926

² Based on Bureau of Labor Statistics (BLS) data, FRA is using an average hourly wage rate of \$74 per hour for State employees to determine the dollar equivalent cost of estimated burden hours. Based on the 2017 American Association publication, Railroad Facts, FRA is using an average hourly wage rate of \$77 per hour for professional/administrative to determine the same dollar equivalent costs. All hourly wage rates included 75 percent overhead costs.

<p>234.405(a)(1) – Initial submission of previously unreported highway-rail and pathway crossings through which they operate by primary operating railroads: Providing assigned crossing inventory number to each railroad that operates one or more trains through crossing</p> <p>- Primary operating railroad providing assigned inventory number to other (2) railroads operating through crossing</p> <p>(a)(3) – Completed inventory forms for each previously unreported crossing</p> <p>(c) – Duty of all operating railroads: Notification to FRA of previously unreported crossing through which it operates</p> <p>(d) – Incomplete submission by state agency: Written certification by primary operating railroad that state has not provided requested crossing information</p> <p>– Copies of written certification statements to other operating railroads and responsible state agency</p>	692 railroads	5,300 provided assigned inventory numbers	5 minutes	442 hours	\$34,034
	692 railroads	10,600 assigned numbers	5 minutes	883 hours	\$67,991
	692 railroads	5,300 forms	20 minutes	1,767 hours	\$136,059
	692 railroads	450 notices/ notifications	20 minutes	150 hours	\$11,550
	692 railroads	35 certification statements	2 minutes	1 hour	\$77
	692 railroads	105 mailed certification copies	2 minutes	4 hours	\$308
<p>234.407(a) – Submission of initial data to the Crossing Inventory for new Crossings: Providing assigned inventory numbers for new highway-rail and pathway crossings through which they operate by primary operating railroads to each railroad that operates one or more trains through the crossing</p> <p>(a)(3) – Completed inventory forms for each new highway-rail & pathway crossing provided each operating railroad operating trains through crossing</p> <p>(b) Each operating railroad must submit accurate inventory forms or electronic equivalent to the FRA crossing inventory for new highway-rail & pathway crossings operating on separate tracks</p>	692 railroads	50 assigned inventory numbers	5 minutes	4 hours	\$308
	692 railroads	50 forms	5 minutes	4 hours	\$308
	692 railroads	50 inventory forms	1.5 hours	75 hours	\$5,775
234.409(a) – Submission of periodic updates to the Crossing Inventory by primary operating railroad	692 railroads	80,775 crossing invent. updates	2.5 minutes	3,366 hours	\$259,182

234.411(a) – Crossing sale: Submission of Crossing Inventory form by any operating railroad that sells all or part of highway-rail and pathway crossing – Notification/report by railroad to primary operating railroad of sale of all or part of a highway-rail or pathway on or after June 10, 2016 (b) – Crossing closure: Submission of Crossing Inventory form by primary operating railroad that closes highway-rail and pathway crossing (c) – Primary operating RR submission of inventory form for any surface/warning device changes at crossing	692 railroads	400 updated crossing inventory forms	2 hours	800 hours	\$61,600
	692 railroads	400 notices/reports	15 minutes	100 hours	\$7,700
	692 railroads	85 crossing inventory forms (closures)	5 minutes	7 hours	\$539
	692 railroads	400 forms	30 minutes	200 hours	\$15,400
234.413(a & b) – Recordkeeping – RR Duplicate copy of each inventory form submitted in hard copy to the Crossing Inventory – Copy of electronic confirmation received from FRA after electronic submission of crossing data to Crossing Inventory – List of locations where a copy of any record required by this Subpart may be accessed and copied	692 railroads	5,901 duplicate copies	1 minute	98 hours	\$7,546
	692 railroads	80,775 copies	1 minute	1,346 hours	\$103,642
	692 railroads	692 lists	5 minutes	58 hours	\$4,466

Total Estimated Annual Responses: 329,758.

Total Estimated Annual Burden: 17,690 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$1,337,464

Title: Special Notice for Repairs.

OMB Control Number: 2130-0504.

Abstract: Under 49 CFR part 216, FRA and State inspectors may issue a Special Notice for Repairs to notify a railroad in writing of an unsafe condition involving a locomotive, car, or track. The railroad must notify FRA in writing when the equipment is returned to service or the track is restored to a condition permitting operations at speeds authorized for a higher class, specifying the repairs completed. FRA and State inspectors use this information to remove from service freight cars, passenger cars, and locomotives until they can be restored to a serviceable condition. They also use this information to reduce the maximum authorized speed on a section of track until repairs can be made.

Type of Request: Extension with change (revised estimates) of a current information collection.

Affected Public: Businesses (railroads).

Form(s): FRA F 6180.71.

Respondent Universe: 741 railroads.

Frequency of Submission: On occasion.

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Burden Hour Dollar Cost Equivalent
216.13(b) – Special Notice for Repairs: Locomotive – RR reply to special notice for repair informing FRA Regional Administrator that affected locomotive is returned to service	741 railroads	5 form replies	15 minutes	1 hour	\$77
216.15(b) – Special Notice for Repairs: Track – RR reply to special notice for repair informing FRA Regional Administrator that affected track is restored to condition permitting operations at speeds authorized at higher speeds	741 railroads	50 form replies	15 minutes	13 hours	\$1,001

216.21(b) – Notice of track conditions: Letter from railroad to FRA regional track engineer that affected track has been repaired and is ready for re-inspection	741 railroads	1 letter	60 minutes	1 hour	\$77
216.25 – Issuance of review and emergency order: Petition for review of order or letter stating track has been repaired	741 railroads	1 letter	60 minutes	1 hour	\$77

Total Estimated Annual Responses: 57.

Total Estimated Annual Burden: 16 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$1,232.

Title: Bridge Safety Standards.

OMB Control Number: 2130-0586.

Abstract: The Fixing America’s Surface Transportation Act (FAST Act) (Pub. L. 114-94, Dec. 4, 2015), Section 11405, “Bridge Inspection Reports,” provides a means for a State or a political subdivision of a State to obtain a public version of a bridge inspection report generated by a railroad for a bridge located within their respective jurisdiction. While the FAST Act specifies that requests for such reports are to be filed with the Secretary of Transportation, the responsibility for fulfilling these requests is delegated to FRA. See 49 CFR 1.89.

FRA’s currently approved information collection accounts for the burden that will be incurred by States and political subdivisions of States requesting a public version of a bridge inspection report generated by a railroad for a bridge located within their respective jurisdiction. FRA developed a Form titled “Bridge Inspection Report Public Version Request Form” to facilitate such requests by States and their political subdivisions. FRA accounts for the burden that will be incurred by railroads to provide the public version of a bridge inspection report upon agency request to FRA.

As background, FRA's final rule on bridge safety standards, 49 CFR part 237, normalized and established federal requirements for railroad bridges. See 75 FR 41281 (July 15, 2010). The final rule established minimum requirements to assure the structural integrity of railroad bridges and to protect the safe operation of trains over those bridges. The final rule required railroads/track owners to implement bridge management programs to prevent the deterioration of railroad bridges and to reduce the risk of human casualties, environmental damage, and disruption to the Nation's transportation system that would result from a catastrophic bridge failure. Bridge management programs were required to include annual inspection of bridges as well as special inspections, which must be conducted if natural or accidental events cause conditions that warrant such inspections. Lastly, the final rule required railroads/track owners to audit bridge management programs and bridge inspections and to keep records mandated under part 237.

The information collected is used by FRA to ensure that railroads/track owners meet Federal standards for bridge safety and comply with all the requirements of this regulation. In particular, the collection of information is used by FRA to confirm that railroads/track owners adopt and implement bridge management programs to properly inspect, maintain, modify, and repair all bridges that carry trains for which they are responsible. Railroads/track owners must conduct annual inspections of railroad bridges. Further, railroads/track owners must incorporate provisions for internal audit into their bridge management program and must conduct internal audits of bridge inspection reports. The internal audit information is used by railroads/track owners to verify that the inspection provisions of the bridge management program are being followed and to continually evaluate the effectiveness of their bridge management program and bridge

inspection activities. FRA uses this information to ensure that railroads/track owners implement a safe and effective bridge management program and bridge inspection regime.

Type of Request: Extension with change (revised estimates) of a current information collection.

Affected Public: Businesses (railroads) and States, DC, and political subdivisions).

Form(s): FRA F 6180.167.

Respondent Universe: 741 railroads/50 States and DC/ 200 political subdivisions.

Frequency of Submission: On occasion/monthly.

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Burden Hour Dollar Cost Equivalent ³
<u>FAST ACT SECTION 11405 REQUIREMENTS</u> – Form FRA F 6180.167	50 states and DC 200 state political subdivisions	75 forms	5 minutes	6 hours	\$402
– Railroad submission to FRA of bridge inspection report – public version	741 railroads	75 reports	60 minutes	75 hours	\$5,025
237.3 – Notifications to FRA of assignment of bridge responsibility and signed statement by assignee concerning bridge responsibility	741 railroads	15 notifications + 15 signed statements	90 minutes + 30 minutes	30 hours	\$2,310
237.9 – Waivers – petitions	741 railroads	2 petitions	4 hours	8 hours	\$616
237.57 – Designation of qualified individuals	741 railroads	200 recorded designations	15 minutes	50 hours	\$3,850

³ Based on the 2017 AAR publication Railroad Facts, FRA calculates the average hourly wage rate for professional/administrative staff at \$77 per hour and the average hourly wage rate of bridge workers at \$67 per hours to determine the dollar equivalent cost numbers. All hourly wage rates include 75 percent overhead costs.

237.73 – Issuance of instructions to railroad personnel by track owner	741 railroads	100 issued written instructions	2 hours	200 hours	\$15,400
237.109 – Nationwide annual bridge inspections – reports/records – Report of deficient condition on a bridge	741 railroads	15,450 insp. reports/records	15 minutes	3,863 hours	\$258,821
	741 railroads	50 reports	30 minutes	25 hours	\$1,675
237.155 – Documents & records – Establishment of RR monitoring & info. technology security systems for electronic recordkeeping – Employees trained in system	741 railroads	5 systems	80 hours	400 hours	\$30,800
	741 Railroads	100 employees	8 hours	800 hours	\$61,600

Total Estimated Annual Responses: 16,087

Total Estimated Annual Burden: 5,457 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$380,499

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501-3520.

Brett A. Jortland,

Acting Chief Counsel.

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